

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION**

CHRIS MALONE,

Plaintiff,

v.

STEVEN ANGLE, in his individual and official capacity as Chancellor at the University of Tennessee-Chattanooga; MARK WHARTON, in his individual and official capacity as Vice-Chancellor and Athletic Director at the University of Tennessee-Chattanooga; RUSTY WRIGHT, in his individual and official capacity as Head Football Coach at the University of Tennessee-Chattanooga SCOTT ALTIZER, in his individual capacity and as Deputy Athletic Director at the University of Tennessee-Chattanooga, and JAY BLACKMAN, in his individual capacity and as Senior Associate Athletic Director at the University of Tennessee-Chattanooga,

Defendants.

Case No. 1:21-CV-0089
Crytzer

**PLAINTIFF'S RESPONSE TO THE COURT'S
RULE TO SHOW CAUSE**

This Court should not strike Plaintiff's Second Amended Complaint on the following grounds:

1. The Scheduling Order governing this case provides that 8/8/2022 was the last date to file a motion to amend the pleadings or add parties.
2. On 8/5/2022, Plaintiff's counsel spoke with Defendants' counsel, who consented to the filing of the Second Amended Complaint, to add two (2) new defendants. (See email

to Defendants' counsel dated 8/5/2022 attached as Exhibit A.) That afternoon, Plaintiff filed his Second Amended Complaint. Although Plaintiff did not file a Motion or proof that Defendants' counsel consented, Plaintiff believes he proceeded in the same manner as when he filed his Amended Complaint.

3. Defendants' counsel has agreed to accept service of the Second Amended Complaint on behalf of the two (2) new defendants. (See emails from/to Defendants' counsel dated 8/8/2020 attached as Exhibit A.) Plaintiff believes that the entirety of Exhibit A meets the written consent requirement of Rule 15(A)(2) FRCP.

Plaintiff is informed and believes that by demonstrating written consent, he has met the requirement of Rule 15(A)(2) FRCP and, thus, no further action is necessary. Plaintiff asks the Court to accept the filing of his Second Amended Complaint. Plaintiff will comply with any further order or instruction from the Court.

DATED: August 9, 2022

Respectfully submitted,

By: /s/ Douglas A. Churdar
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